

**UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS**

UNITED STATES of AMERICA

v.

HERIBERTO RODRIGUEZ,

Defendant.

**Criminal No.
05-40006-FDS**

ORDER OF EXCLUDABLE TIME

SAYLOR, J.

Defendant filed an assented-to motion to continue the February 9, 2007 status conference and to exclude time under the Speedy Trial Act. As reasons therefor, defense counsel indicated that she is awaiting decisions on motions filed in state court to vacate certain prior convictions. The outcome of these motions may affect defendant's classification as an Armed Career Criminal. Furthermore, the Assistant United States Attorney in this case has been reassigned, so any additional time granted would allow the new prosecutor to become familiar with the case. The motion was granted on February 7, 2007, and the status conference was continued to March 9, 2007.

With the assent of the parties, and because the ends of justice served by granting this motion outweigh the interest of the public and the defendant in a speedy trial, the period of time from February 9, 2007, through March 9, 2007, shall be excludable under the Speedy Trial Act pursuant to 18 U.S.C. § 3161(h)(8)(A).

So Ordered.

/s/ F. Dennis Saylor
F. Dennis Saylor IV
United States District Judge

Dated: February 12, 2007